

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. Drawings

The applicant respectfully requests indication in the next Office communication of acceptance of the drawings filed on November 2, 2005.

2. Priority

The applicant acknowledges that the priority documents have been placed of record in the file.

2. Rejection of claims 1-10 under 35 U.S.C. § 102(a) as being anticipated by U.S. patent no. 6,423,165 (*Hishinuma*)

Reconsideration of this rejection is respectfully requested on the basis that the *Hishinuma* patent fails to disclose each and every limitation of claim 1. The remaining claims depend from claim 1, and are therefore patentable as containing all of the limitations of claim 1, as well as for their respective recited features.

The *Hishinuma* patent fails to disclose a cloth designed to be provided with at least one permanent fold and having at least one shrink thread woven in the cloth and extending crosswise over the folding zone, as required by pending claim 1.

The *Hishinuma* patent is specifically drawn to forming convexities and concavities on a cloth for a garment (abstract; col. 1, lines 7-9). As most clearly shown in Figs. 2(c) and 3(b), the convexities and concavities are not permanent folds, as required by pending claim 1, but instead are merely irregular projections and depressions formed on the cloth (col. 8, lines 51-54).

This structure is in contrast to pending claim 1, which requires a cloth designed to be provided with at least one permanent fold. In contrast to the irregular projections and depressions formed on the cloth as in the *Hishinuma* patent, a fold typically has some uniformity. Further, while the *Hishinuma* patent also discloses

apparently uniform projections and depressions that simulate rib-knitting, a fold also requires that a part is doubled or laid over another part, or forms a crease. Thus, the projections and depressions of the *Hishinuma* patent are not folds, or permanent folds, as required by pending claim 1.

As aptly quoted in the Office action, the *Hishinuma* patent discloses cloth or cloths 1 including thermoplastic fibers that may be heat set (col. 6, lines 33-37). The cloths 1 are overlaid and sewed to a thermoshrinkable cloth 2 with water-soluble threads (col. 6, lines 59-64).

The cloths 1 and the heat-shrinkable cloth 2 are then subject to heat-treating under dry conditions so that the heat-shrinkable cloth 2 shrinks and causes convexities and concavities to be formed in the cloths 1 (col. 7, lines 23-27). The cloths 1 and 2 are then dipped in hot water to separate the cloths 1 from the cloth 2 by removing the soluble stitching (col. 8, lines 16-24). Since the cloths 1 are heat settable, the projections and depressions remain in the cloths 1 after the cloths 1 and 2 are separated (col. 8, lines 16-24).

Thus it seems clear that contrary to the embodiment of pending claim 1, the cloths 1 do not have at least one shrink thread woven in the cloth and extending crosswise over the folding zone. Instead the cloths 1 are merely heat setting, and are not disclosed as shrinking. In fact, if at least one shrink thread were provided to the cloths 1, the projections and depressions would not be formed, since the cloths 1 would not bunch up to form the projections and depressions, but would instead shrink and conform to the heat-shrinkable cloth 2, and thus the entire purpose of the cloths 1 would be destroyed.

The most that can be said of the *Hishinuma* patent is that it discloses a heat shrinkable cloth 2. While the *Hishinuma* patent does disclose that thermo-shrinkable yarn 20 may be used for either or both of the weft or warp directions for contracting the cloth 2 in one of or both of the weft and warp directions (col. 7, lines 31-39), the specific structure of the cloth 2 is not described.

When such a structure is not fully described, a skilled artisan will look to the prior art for exemplary structures. In this case, a skilled artisan would turn to a reference such as U.S. patent no. 2,627,644 (*Foster*) in order to provide the missing structure.

However, the *Foster* patent merely describes known structures in the art, and also fails to disclose a cloth designed to be provided with at least one permanent fold and having at least one shrink thread woven in the cloth and extending crosswise over the folding zone, as required by pending claim 1.

The *Foster* patent discloses a standard woven structure, wherein heat-shrinking threads are alternately woven up and under the weft threads, in order to create a corrugated cloth, or in other words concavities and convexities (Figs. 1-4).

This configuration is contrary to the structure of claim 1, which requires that the at least one shrink thread extends crosswise over the folding zone, as opposed to being woven up and under the threads. For example, in the pending application, as is clearly shown in the example of Fig. 1, the folding zone extends over three warp threads, and the at least one shrink thread extends crosswise along a single side of the three warp threads in the folding zone, and the at least one shrink thread extends in the usual manner, that is alternating above and under the successive warp threads. In order to create the permanent fold, the distance between the two adjacent points of attachment of the shrinking threads to the cloth should be no greater than two to five, or at a maximum, ten times the distance between the two adjacent weft or warp threads that are extending parallel to the fold. This structure is clearly not disclosed in the *Hishinuma* nor the *Foster* patents.

Thus, it is clear that the *Hishinuma* patent alone fails to disclose a cloth designed to be provided with at least one permanent fold and having at least one shrink thread woven in the cloth and extending crosswise over the folding zone, as required by pending claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Application No.: 10/555,102  
Examiner: MUROMOTO Jr, R.  
Art Unit: 3765

3. Conclusion

In view of the foregoing discussion and remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

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